

EXHIBIT A

COMMONWEALTH OF VIRGINIA



FREDERICK CIRCUIT COURT

Civil Division

5 N. KENT STREET

WINCHESTER VA 22601

(540) 665-5659

Summons

To: WAL-MART STORES EAST LP
SERVE: REGISTERED AGENT
CT CORPORATION SYSTEM
4701 COX ROAD
SUITE 285
GLEN ALLEN VA 23060

Case No. 069CL20000738-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Friday, November 12, 2021

Clerk of Court: REBECCA P. HOGAN

by

Rebecca P. Hogan
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: GUNTARP, ROBERT B
25 E BOSCAWEN STREET
WINCHESTER VA 22601

DATE: 12-7-20

Case No.

(CLERK'S OFFICE USE ONLY)

COVER SHEET FOR FILING CIVIL ACTIONS
COMMONWEALTH OF VIRGINIA

Frederick County

Circuit Court

Barbara Hager

PLAINTIFF(S)

v./In re:

Wal-Mart Stores East, LP AKA Walmart, Inc.

DEFENDANT(S)

I, the undersigned ☐ plaintiff ☐ defendant ☒ attorney for ☒ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- ☐ Claim Impleading Third Party Defendant
☐ Monetary Damages
☐ No Monetary Damages
☐ Counterclaim
☐ Monetary Damages
☐ No Monetary Damages
☐ Cross Claim
☐ Interpleader
☐ Reinstatement (other than divorce or driving privileges)
☐ Removal of Case to Federal Court

Business & Contract

- ☐ Attachment
☐ Confessed Judgment
☐ Contract Action
☐ Contract Specific Performance
☐ Detinue
☐ Garnishment

Property

- ☐ Annexation
☐ Condemnation
☐ Ejectment
☐ Encumber/Sell Real Estate
☐ Enforce Vendor's Lien
☐ Escheatment
☐ Establish Boundaries
☐ Landlord/Tenant
☐ Unlawful Detainer
☐ Mechanics Lien
☐ Partition
☐ Quiet Title
☐ Termination of Mineral Rights

Tort

- ☐ Asbestos Litigation
☐ Compromise Settlement
☐ Intentional Tort
☐ Medical Malpractice
☐ Motor Vehicle Tort
☐ Product Liability
☐ Wrongful Death
☒ Other General Tort Liability

ADMINISTRATIVE LAW

- ☐ Appeal/Judicial Review of Decision of (select one)
☐ ABC Board
☐ Board of Zoning
☐ Compensation Board
☐ DMV License Suspension
☐ Employee Grievance Decision
☐ Employment Commission
☐ Local Government
☐ Marine Resources Commission
☐ School Board
☐ Voter Registration
☐ Other Administrative Appeal

DOMESTIC/FAMILY

- ☐ Adoption
☐ Adoption – Foreign
☐ Adult Protection
☐ Annulment
☐ Annulment – Counterclaim/Responsive Pleading
☐ Child Abuse and Neglect – Unfounded Complaint
☐ Civil Contempt
☐ Divorce (select one)
☐ Complaint – Contested*
☐ Complaint – Uncontested*
☐ Counterclaim/Responsive Pleading
☐ Reinstatement – Custody/Visitation/Support/Equitable Distribution
☐ Separate Maintenance
☐ Separate Maintenance Counterclaim

WRITS

- ☐ Certiorari
☐ Habeas Corpus
☐ Mandamus
☐ Prohibition
☐ Quo Warranto

PROBATE/WILLS AND TRUSTS

- ☐ Accounting
☐ Aid and Guidance
☐ Appointment (select one)
☐ Guardian/Conservator
☐ Standby Guardian/Conservator
☐ Custodian/Successor Custodian (UTMA)
☐ Trust (select one)
☐ Impress/Declare/Create
☐ Reformation
☐ Will (select one)
☐ Construe
☐ Contested

MISCELLANEOUS

- ☐ Amend Death Certificate
☐ Appointment (select one)
☐ Church Trustee
☐ Conservator of Peace
☐ Marriage Celebrant
☐ Approval of Transfer of Structured Settlement
☐ Bond Forfeiture Appeal
☐ Declaratory Judgment
☐ Declare Death
☐ Driving Privileges (select one)
☐ Reinstatement pursuant to § 46.2-427
☐ Restoration – Habitual Offender or 3rd Offense
☐ Expungement
☐ Firearms Rights – Restoration
☐ Forfeiture of Property or Money
☐ Freedom of Information
☐ Injunction
☐ Interdiction
☐ Interrogatory
☐ Judgment Lien-Bill to Enforce
☐ Law Enforcement/Public Official Petition
☐ Name Change
☐ Referendum Elections
☐ Sever Order
☐ Taxes (select one)
☐ Correct Erroneous State/Local
☐ Delinquent
☐ Vehicle Confiscation
☐ Voting Rights – Restoration
☐ Other (please specify)

☒ Damages in the amount of \$ 500,000.00 are claimed.

12/03/2020

DATE

Robert B. Guntharp, Esquire

PRINT NAME

25 E. Boscawen St., Winchester, VA 22601

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

(540) 722-6125

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

FORM CC-1416 (MASTER) PAGE ONE 07/16

☐ PLAINTIFF☐ DEFENDANT☒ ATTORNEY FOR☐ PLAINTIFF
☐ DEFENDANT

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

VIRGINIA: IN THE CIRCUIT COURT FOR FREDERICK COUNTY

BARBARA HAGER,

Plaintiff,

v.

CASE NO.: *L20-738*

WAL-MART STORES EAST, LP
WALMART INC.

Defendant.

COMPLAINT

Comes Now, the Plaintiff, Barbara Hager, by counsel, and for her complaint against the Defendant, Wal-Mart Stores East, LP, states as follows:

1. Plaintiff, Barbara Hager, is a resident of Winchester, Virginia.
2. Defendant, Wal-Mart Stores East, LP., aka WalMart Inc., is a foreign corporation that operates a retail store in the Winchester, Virginia.
3. At all times relevant to the allegations herein, Defendant owned, operated, managed, and was responsible for the safe operation of the retail store located at 501 Walmart Drive, Winchester, Virginia.
4. The above described business and premises was open to the plaintiff and to those members of the public at large who might go there as business invitees.
5. On or about December 22, 2018 at approximately 10:30 p.m., Plaintiff was inside shopping at the Wal-Mart store located at 501 Walmart Drive, Winchester, Virginia.
6. At the aforesaid time and place, Plaintiff was in the aisle looking at

merchandise when she stepped back onto an empty skid/pallet which was left in the aisle, causing her foot to get stuck in the pallet and her to fall to the ground.

7. As a result of her fall the Plaintiff suffered severe injuries and required medical treatment for said injuries.
8. At all times relevant to the allegations herein, the defendants had a duty of ordinary care to keep the premises in a reasonably safe condition for the use of its business invitees, to make reasonable inspections to determine whether any unreasonably dangerous condition existed, to warn its customers of any such dangerous conditions; to avoid creating an unreasonably dangerous conditions, and to correct such dangerous conditions known to it, its agents and employees.
9. Notwithstanding this duty, the defendants, their agents and employees negligently placed and allowed the empty skid/pallet to remain in the aisle where it posed an unreasonably dangerous tripping hazard to customers of the store, although defendants, their agents and employees, knew or in the exercise of reasonable care should have known that this dangerous condition existed, but negligently failed remove the skid/pallet from the aisle.
10. Defendants were negligent in that they:
 - a. Failed to keep the passageway intended for their customers use free and clear from unreasonable defects, hazards or obstructions;
 - b. Failed to exercise reasonable care to correct the conditions

described herein;

c. Failed to warn plaintiff of the existence of the above described conditions;

d. Failed to use ordinary care to properly and adequately supervise and oversee the above described areas so as to prevent the creation of unreasonably dangerous conditions, hazards or obstructions, and;

e. Failed to prevent their employees or agents from creating the unreasonable dangerous condition described above.

11. At all times relevant, Plaintiff was exercising due care for her own safety, and did not contribute to, nor assume the risk of, her injuries.
12. As a direct and proximate result of Defendant's breach of duties, Plaintiff was caused to sustain serious and permanent injuries, has been prevented from transacting her business, has suffered and will continue to suffer great pain of body and mind and loss of enjoyment of life; has sustained permanent disability, deformity; has incurred, and will incur in the future, hospital, doctors' and related bills in an effort to be cured of said injuries.

WHEREFORE, the Plaintiff demands judgment against the Defendant Wal-Mart Stores East, LP in the amount of Five Hundred Thousand Dollars (\$500,000.00), in compensatory damages, her costs expended, and prejudgment interest from December 22, 2018.

BARBARA HAGER
By Counsel



By:

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Winchester, VA 22601
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